



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
DIVISION SUPPORT COMMAND
4TH INFANTRY DIVISION (MECHANIZED)
FORT HOOD, TEXAS 76544-5000

AFYB-SC-CDR (27-10)

16 July 2001

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy Memorandum #6 - DISCOM UCMJ Jurisdiction and Authority

1. This memorandum defines the authority of commanders within the DISCOM to impose UCMJ punishment in cases involving certain categories of offenses and/or personnel.
2. Reservation of Authority by The Commanding General 4ID(M):
 - a. The Commanding General has reserved to himself the authority to make all decisions or recommendations, as appropriate, concerning adverse personnel actions affecting all officers and all noncommissioned officers in the grade of First Sergeant or higher (including acting 1SG's). This includes but is not limited to adverse administrative actions, non-judicial punishment under Article 15, UCMJ, and all other UCMJ actions.
 - b. The Commanding General has reserved to himself the authority to initiate and implement General Officer Memoranda of Reprimand for all offenses involving intoxicated driving and the use of controlled substances.
3. Reservation of Authority by DISCOM Commander: I reserve to myself the authority to make all decisions concerning adverse personnel actions under the UCMJ in the circumstances outlined below. This does not preclude the use of adverse administrative actions by subordinate commanders.
 - a. All offenses involving non-commissioned officers in the grade of E7 or E8 (excepting 1SG's and acting 1SG's);
 - b. Any offense by a non-commissioned officer in the grade of E5 or E6 that involves:
 - 1) Drugs or alcohol
 - 2) Domestic violence
 - 3) Use of a deadly weapon or deadly force
 - 4) Use of a firearm (including firearm related violations of FH Reg 190-11)

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5) Assault or abuse of a minor

6) Rape or sexual / indecent assault

c. Commanders will report to me all violations covered by this paragraph, along with any recommendation for disposition. At my discretion, these actions may be returned to subordinate commanders for appropriate disposition.

4. Reservation of Authority to Battalion Commanders: Battalion commanders will retain the authority to make all decisions concerning adverse personnel actions under the UCMJ for drug and alcohol related offenses involving soldiers in the grades of E-1 to E-4. This does not preclude company commanders from imposing adverse administrative actions in these cases.

5. The authority to impose punishment under the UCMJ for all violations of Article 111 (on-post operation of a vehicle while intoxicated) is reserved to the US Magistrate's Court.

6. Proponent for this policy is the DISCOM Trial Counsel. Commanders should direct questions to the Trial Counsel at 287-1783.


JAMES E. RENTZ
COL, QM
Commanding

Encl

DISCOM Legal Jurisdiction Chart